

## UNITED STATES BANKRUPTCY COURT Eastern District of North Carolina

**Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines**

The debtor(s) listed below filed a chapter 13 bankruptcy case on 11/12/09.

You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below. NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

**See Reverse Side For Important Explanations**

Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

James R. Tiu  
12320 Inglehurst Drive  
Raleigh, NC 27613

Case Number: 09-09904-8-JRL	Social Security / Individual Taxpayer ID / Employer Tax ID / Other nos: xxx-xx-8176
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Attorney for Debtor(s) (name and address):  
John T. Orcutt  
Offices of John T. Orcutt, P.C.  
6616-203 Six Forks Rd.  
Raleigh, NC 27615  
Telephone number: 919 847-9750

Bankruptcy Trustee (name and address):  
John F. Logan  
Office Of The Chapter 13 Trustee  
PO Box 61039  
Raleigh, NC 27661-1039  
Telephone number: 919 876-1355

**Meeting of Creditors**

Date: **December 22, 2009**

Time: **12:30 PM**

Location: **USBA Creditors Meeting Room, Two Hannover Square, Room 610, 434 Fayetteville Street Mall, Raleigh, NC 27601**

**Deadlines:**

Papers must be *received* by the bankruptcy clerk's office by the following deadlines:

**Deadline to File a Proof of Claim:**

For all creditors (except a governmental unit): **3/22/10**

For a governmental unit (except as otherwise provided in Fed. R. Bankr. P. 3002 (c)(1)): **5/11/10**

Claims (with attachments proving security interest and perfection) must be filed with the court at the address shown below. Otherwise, your claim will be classified as unsecured. Secured claims should be filed at least two days before the meeting of creditors. ***The date the debt was incurred must be included for all secured claims.*** As an alternative, the claim may be filed electronically at [www.nceb.uscourts.gov](http://www.nceb.uscourts.gov) by accessing the Proof of Claims section. ***When filing electronically, it is not necessary to complete the attached proof of claim form.***

**Creditor with a Foreign Address:**

A creditor to whom this notice is sent at a foreign address should read the information under "Claims" on the reverse side.

**Deadline to File a Complaint to Determine Dischargeability of Certain Debts: 2/20/10****Deadline to Object to Exemptions:**

Thirty (30) days after the *conclusion* of the meeting of creditors.

**Filing of Plan**

A summary of the plan will be sent at a later date as part of the trustee's motion for confirmation. Creditors will be given a deadline to object to the motion. If an objection is filed, a hearing will be scheduled. The plan once confirmed by the court, determines the repayment of claims provided for in the plan. The value of the debtor's property securing each claim may be determined at the meeting of creditors.

**Creditors May Not Take Certain Actions:**

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor, the debtor's property, and certain codebtors. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

**Address of the Bankruptcy Clerk's Office:**

1760-A Parkwood Blvd.  
Wilson, NC 27893 Telephone number: 252-237-0248

**For the Court:**

Clerk of the Bankruptcy Court:  
Stephanie J. Edmondson

Hours Open: Monday – Friday 9:00 AM – 5:00 PM

Date: 11/13/09

**EXPLANATIONS****B9I (Official Form 9I) (12/07)**

Filing of Chapter 13 Bankruptcy Case	A bankruptcy case under Chapter 13 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by the debtor(s) listed on the front side, and an order for relief has been entered. Chapter 13 allows an individual with regular income and debts below a specified amount to adjust debts pursuant to a plan. A plan is not effective unless confirmed by the bankruptcy court. You may object to confirmation of the plan and appear at the confirmation hearing. A copy or summary of the plan, if not enclosed, will be sent to you later, and if the confirmation hearing is not indicated on the front of this notice, you will be sent notice of the confirmation hearing. The debtor will remain in possession of the debtor's property and may continue to operate the debtor's business, if any, unless the court orders otherwise.
<b>Legal Advice</b>	The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions against the debtor and certain codebtors are listed in Bankruptcy Code § 362 and § 1301. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time and location listed on the front side. <i>The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice. Courtroom decorum: The dignity of the court is to be respected and maintained at all times. Attire for counsel, parties, and spectators should be restrained and appropriate to the dignity of a federal court of the United States. <b>Shorts are not considered appropriate attire.</b>
Claims	A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office. A secured creditor retains rights in its collateral regardless of whether that creditor files a Proof of Claim. If you do not file a Proof of Claim by the "Deadline to File a Proof of Claim" listed on the front side, you might not be paid any money on your claim from other assets in the bankruptcy case. To be paid you must file a Proof of Claim even if your claim is listed in the schedules filed by the debtor. Filing a Proof of Claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a Proof of Claim may surrender important nonmonetary rights, including the right to a jury trial. <b>Filing Deadline for a Creditor with a Foreign Address:</b> The deadlines for filing claims set forth on the front of this notice apply to all creditors. If this notice has been mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.
Discharge of Debts	The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that a debt owed to you is not dischargeable under Bankruptcy Code § 523 (a)(2) or (4), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and any required filing fee by that deadline.
Exempt Property	The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors, even if the debtor's case is converted to chapter 7. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objection by the "Deadline to Object to Exemptions" listed on the front side.
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of property claimed as exempt, at the bankruptcy clerk's office.
Creditor with a Foreign Address	Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.
<b>Refer to Other Side for Important Deadlines and Notices</b>	
RECORD SEARCH FEE – \$26.00/NAME OR ITEM. COPY FEE = \$.50 + SEARCH FEE. Requests must be made in writing to the address listed on the front side, accompanied by a self-addressed, stamped envelope & cashier's check/money order for the correct amount payable to CLERK, U.S. BANKRUPTCY COURT. No telephone inquiries. **VCIS Toll free—24 hour case information 1-888-513-9765 **Pacer Internet Address: <a href="http://pacer.nceb.uscourts.gov">http://pacer.nceb.uscourts.gov</a> **Internet Web Page: <a href="http://www.nceb.uscourts.gov">http://www.nceb.uscourts.gov</a>	
YOU COULD HAVE RECEIVED THIS NOTICE AS AN INTERNET E-MAIL OR FAX. Visit <a href="http://www.EBNuscourts.com">www.EBNuscourts.com</a> or call toll-free 1-877-837-3424.	